IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3573 OF 2007

1. Shri Dhondiram @ Balasaheb
   Bapusaheb Salunkhe.

2. Shri Amit Balasaheb Salunkhe. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

K.S.Patil for the applicants.

S.S.Pednekar, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 29th October 2007.

P.C.:

. Leave to amend the name of the district. Amendment to be carried out forthwith.

2. Heard learned counsel for the applicant and learned A.P.P. for the State.

3. The applicant is seeking bail in connection with C.R.No.176/2007 registered with Karveer Police Station, district- Kolhapur for the offences punishable under sections 147, 148, 149, 307, 323, 324, 506 read with section 34 of Indian Penal Code (I.P.C.).

4. The learned counsel for the applicant submits that he is already in custody since 1st July, 2007. The investigation is complete. Chargesheet has already been filed. Recovery from applicant No.2 has already been effected. Taking into account the role of the applicant and the injury suffered by the victim, which are simple injuries, the applicant be granted bail.

5. The learned counsel appearing for the applicants has also placed reliance on the judgment of the Apex Court in the case of **Bhausaheb Nagu Dhavare v. State of Maharashtra**, 2001 (3) Crimes 410 (SC); wherein the appellant was involved in offence punishable under section 307 of I.P.C. He was granted bail. The order of the High Court rejecting bail was reversed. However, while enlarging the applicant on bail, he was subjected to some stringent conditions. One of the conditions was not to enter within the boundaries of the subject village without permission from the trial Court until disposal of the trial.

6. The learned A.P.P., appearing for the State, opposed this application. However, he submits that, if at all, this court decides to grant bail to the present applicant, conditions as were imposed by the Apex Court be imposed on the applicant.

7. Having herd rival parties, and in view of the judgment of the Supreme Court referred to hereinabove, I am inclined to grant bail to the applicant, however, subject to the following stringent conditions:

(a) The applicants, arrested in connection with C.R.No.176/2007 registered with Karveer Police Station, district- Kolhapur shall be enlarged on bail in the sum of Rs.50,000/- each with one or two local sureties to make up the said amount.

(b) The applicants shall not enter into the boundaries of taluka- Karveer, district Kolhapur till disposal of case without prior written permission of the Sessions Court.

(c) The order of bail will be given effect to only after the applicants furnish to the investigating officer the details about their places of residence with detailed address addresses where they propose to stay while on bail.

(d) The applicants shall not change their residential address till the conclusion of trial without prior written intimation to the

investigating officer.

(e) The applicants shall report to the nearest Police Station, near to their proposed residence once in a week, i.e. on every Monday between 3.00 to 5.00 p.m. till conclusion of the trial. They shall co-operate with the investigating agency for disposal of the case.

(f) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(g) It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

(h) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

7. Application stands disposed of accordingly.

JUDGE